IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE EIGHTEENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE D.S.R.VARMA

WRIT PETITION NOS : 5638, 5639,5640,5641 AND 5642 of 2005

WRIT PETITION NO : 5638 of 2005

Between:

M/s Golden Enterprises, a propriety concern, Kamisetty Street, Yanam
rep. by its Manager G.B.Srinivas S/o.Satyanarayana,
R/o.Yanam, Pondicherry State.

..... PETITIONER

AND

1 The Commissioner of Prohibition and Excise Govt. of A.P. Opp Gandhi Bhavan, Nampally, Hyderabad.
2 State of A.P.rep. by its Prl.Secretary, Department of Prohibition and Excise, Secretariat, Hyderabad

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of mandamus or any other appropriate writ , order or direction , declaring the action of the 1st respondent in not issuing the Through Transport permits in favour of the petitioner herein by considering his application 28-2-2005 in respect of Transport permit No.89/DCEy/2004-5 dt.22.2.2005 as illegal , arbitrary and viloative of principles of natural justice and for a Consequential order directing the respondents to issue Through Transport permits (T.T. ps.) to the petitioner forthwith

pursuant to the application dt. 28-2-2005 and to pass such order or orders

Counsel for the Petitioner: MR.CH.DHANAMJAYA

Counsel for the Respondents 1 and 2: GP FOR PROHIBITION & EXCISE

WRIT PETITION NO : 5639 of 2005

Between:

M/s Golden Enterprises, a propriety concern,
Kamisetty Street, Yanam-533 464, rep. by its Manager G.B.Srinivas
S/o.Satyanarayana R/o.Yanam, Pondicherry State.

..... PETITIONER

AND

1 The Commissioner of Prohibition and Excise, Govt. of A.P. Opp. Gandhi Bhavan, Nampally, Hyderabad.
2 State of A.P. rep. by its Prl. Secretary, Department of Prohibition and excise, Secretariat, Hyderabad.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of mandamus or any other appropriate writ , order or direction , declaring the action of the 1st respondent in not issuing the Through Transport permits in favour of the petitioner herein by considering his application 28-2-2005 in respect of Import permit No.23/DCEY/2004-5 dt.23.2.2005 as illegal , arbitrary and violative of principles of natural justice and for a consequential order directing the respondents to issue Through Transport permits (T.T. ps.) to the petitioner forthwith pursuant to the application dt. 28-2-2005 and to pass such order or orders.

Counsel for the Petitioner: MR.CH.DHANAMJAYA

Counsel for the Respondents 1 and 2: GP FOR PROHIBITION & EXCISE

WRIT PETITION NO : 5640 of 2005

Between:

M/s Golden Enterprises, a propriety concern, Kamisetty street, Yanam-533 464 S/o.Satyanarayana, R/o.Yanam, Pondicherry State.

..... PETITIONER

AND

1 The Commissioner of Prohibition and Excise Govt. of A.P Opp.Gandhi Bhavan, Nampally, Hyderabad.

2 State of A.P. rep. by its prl.Secretary, department of Prohibition and Excise, Secretariat, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of mandamus or any other appropriate writ , order or direction , declaring the action of the 1st respondent in not issuing the Through Transport permits in favour of the petitioner herein by considering his application 28-2-2005 in respect of Transport permit No.24/DCEy/2004-05 dt.23-2-2005 as illegal , arbitrary and viloative of principles of natural justice and for a Consequential order directing the respondents to issue Through Transport permits (T.T. ps.) to the petitioner forthwith pursuant to the application dt. 28-2-2005 and to pass such order or orders

Counsel for the Petitioner: MR.CH.DHANAMJAYA

Counsel for the Respondents 1 and 2 : GP FOR PROHIBITION & EXCISE

WRIT PETITION NO : 5641 of 2005

Between:

M/s Golden Enterprises, a propriety concern, Kamisetyy Street,Yanam-533 464
rep. by its Manager G.B Srinivas s/o.Satyanarayana
R/o.Yanam, Pondichery State.

..... PETITIONER

AND

1 The Commissioner of Prohibition and Excise, Govt. of A.P. Opp. Gandhi Bhavan, Nampally, Hyderabad.
2 State of A.P.rep. by its Prl.Secretary, Department of Prohibition and Excise Secretariat, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of mandamus or any other appropriate writ , order or direction , declaring the action of the 1st respondent in not issuing the Through Transport permits in favour of the petitioner herein by considering his application 16-3-2005 in respect of Transport permit No.96/DCEy/2004-5 dt.8-3-2005 as illegal , arbitrary and viloative of principles of natural justice and for a Consequential order directing the respondents to issue Through Transport permits (T.T. ps.) to the petitioner forthwith pursuant to the application dt. 16-3-2005 and to pass such order or orders.

Counsel for the Petitioner: MR.CH.DHANAMJAYA

Counsel for the Respondents 1 and 2: GP FOR PROHIBITION & EXCISE

WRIT PETITION NO : 5642 of 2005

Between:

M/s. Golden Enterprises, a Property concern,
Kamisetty Street, Yanam - 533 464, rep by its Manager, G.B. Srinivas,
S/o. Satynarayana, 32 years, R/o. Yaram, Pondicherry State

..... PETITIONER

AND

1 The Commissioner of Prohibition & Excise, Govt. of A.P., Opp. Gandhi Bhavan, Nampally, Hyderabad.
2 State of A.P. rep by its Prl. Secretary, Department of Prohibition and Excise, Secretariat,
Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus, or any other appropriate writ, order or direction, declaring the action of the 1st respondent in not issuing the Through Transport Permits in favour of the petitioner herein by considering his application 16-3-2005 in respect of Import permit No.26/DCEY/2004-05 dt.08-3-2005 as illegal, arbitrary and violative of principles of natural justice and for a consequential order directing the respondents to issue Through Transport Permits (T.T.Ps.) to the petitioner forthwith pursuant to the application dt. 16-3-2005 and to pass such other order or orders as may deem fit and proper.

Counsel for the Petitioner: MR.CH.DHANAMJAYA

Counsel for the Respondents 1 and 2: GP FOR PROHIBITION & EXCISE

The Court at the admission stage made the following :

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COMMON ORDER:.

Heard both sides.

The issue being common in all these Writ Petitions, they are taken up for disposal at the stage of admission with the consent of both the counsel.

Petitioners seek a declaration that the action of the first respondent in not issuing the Through Transport Permits in favour of the petitioners herein, by considering their applications, in respect of Transport Permit, as illegal, arbitrary and violative of principles of natural justice.

It is brought to the notice of this court that in similar circumstances a learned Judge of this court in Writ Petition No. 17578 of 2000, by an order dated 29.9.2000, disposed of the Writ Petition to the following effect:

> "Having regard to the facts and circumstances, I direct the first respondent to grant permits to the petitioner also, in the light of the Order dated 2.5.2000 passed by this court in W.P.M.P.No.

10563 of 2000 in W.P.No. 8091 of 2000 provided the petitioner is also similarly placed as that of the petitioner therein. The first respondent-Commissioner shall positively pass the order by Monday(2.10.2000)."

Following the same, these Writ Petitions are also disposed of. However, the first respondent-Commissioner shall positively pass the order by Tuesday (22.3.2005). No costs.

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D.S.R. VARMA, J

DATED: 09.03.2005

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To

1 The Commissioner of Prohibition & Excise, Govt. of A.P., Opp. Gandhi Bhavan, Nampally, Hyderabad.

2 State of A.P. rep by its Prl. Secretary, Department of Prohibition and Excise, Secretariat, Hyderabad.

Superintending Engineer, A.P.Transco, Eluru, West Godavari District.

3. 2 CCs to G.P. for Prohibition and Excise, High Court of A.P., Hyderabad (OUT)

4. 2 CD Copies.